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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

**KAHEAL PARRISH,**

Plaintiff,

**v.**

**A. SOLIS, et al.,**

Defendants.

C 11-1438 LHK

**DEFENDANTS' MOTION IN LIMINE  
NO. 4**

**TO EXCLUDE USE OF THE TERMS  
"ASSAULT DEFENDANTS" AND "NON-  
PARTY CO-CONSPIRATORS."**

Judge: The Honorable Lucy H. Koh  
Trial Date: December 5, 2014  
Action Filed: March 11, 2011

**INTRODUCTION**

Defendants move the Court for an order in limine to exclude all evidence, references to evidence, testimony or referring to any Defendant or Salinas Valley employee as “assault defendants” or “non-party co-conspirators.” These titles are not relevant and are intended solely to inflame the juror’s emotions, and therefore create a substantial danger of undue prejudice to Defendants. Therefore, the Court should exclude the use of these titles at trial.

**LEGAL ARGUMENT**

Plaintiff’s first-amended complaint and various other filings have described Defendants as the “assault defendants” and non-parties Robert Machuca, Martin Valenzuela, and Arturo Villalobos as the “non-party co-conspirators.” These titles should be excluded at trial because they are not relevant and are inflammatory terms meant to incite the jury and presume Defendants and the non-parties have committed the acts that have not yet been proven by Plaintiff.

Evidence is relevant if it has any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence. Fed. R. Evid. 401. Evidence which is not relevant is not admissible. Fed. R. Evid. 402. These titles do not make the existence of any fact of consequence to the determination more probable than it would be without the evidence in this case. Because these titles are not relevant to the claims in this case they should be excluded.

And although relevant, evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence. Fed. R. Evid. §403. These incendiary terms should not be allowed at trial because they add no value to the case and are unfairly prejudicial to Defendants. Using these terms unfairly presume that Defendants and witnesses in some way have committed the alleged conduct. Because these terms are unfairly prejudicial and offer no beneficial value other than to prejudice Defendants and incite the jury against the Defendants, Plaintiff, counsel, and all witnesses should be excluded from using these terms at trial.

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**CONCLUSION**

Because titles like “assault Defendants” and “non-party co-conspirators” are irrelevant and inflammatory, they should be not allowed at trial. Therefore, Defendants request the Court preclude anyone from using these terms/titles at trial.

Dated: November 6, 2014

Respectfully submitted,

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/s/ Elliott T. Seals  
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## CERTIFICATE OF SERVICE

Case Name: **K. Parrish v. A. Solis, et al.**

No. **C 11-1438 LHK**

I hereby certify that on November 6, 2014, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

**DEFENDANTS' MOTION IN LIMINE NO. 4 - TO EXCLUDE USE OF THE TERMS  
"ASSAULT DEFENDANTS" AND "NON-PARTY CO-CONSPIRATORS."**

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on November 6, 2014, at San Francisco, California.

L. Santos  
Declarant

/s/ L. Santos  
Signature

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